

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
JUNE 11, 2009 AT 10:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. R. Holder Trumbo; Mr. Paul S. McCulla, County Administrator; Mr.
Kevin J. Burke, County Attorney

A B S E N T Mr. Chester W. Stribling

**A WORK SESSION REGARDING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION ROUTE 29 CORRIDOR STUDY**

David Cubbage, Virginia Department of Transportation Residency Administrator for the Warrenton Residency, along with Virginia Department of Transportation consultants, met with the Board of Supervisors to discuss the Virginia Department of Transportation's on-going Route 29 Corridor Study. Virginia Department of Transportation representatives defined the nature and scope of the study and Board members expressed concerns and comments regarding Route 29.

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO REVIEW AN APPLICATION TO THE VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) FOR
ACQUISITION AND ADMINISTRATION FUNDS TO PURCHASE VACANT
FORECLOSED HOMES AS PROVIDED THROUGH THE NEIGHBORHOOD
STABILIZATION PROGRAM (NSP)**

The Board of Supervisors held a work session on the topic of the Neighborhood Stabilization Program which offers targeted emergency assistance to State and local governments to acquire, redevelop, and re-sell foreclosed properties that might otherwise become sources of abandonment and blight within their communities.

**A WORK SESSION TO DISCUSS PROPOSED AMENDMENTS TO CHAPTER 17 OF
THE FAUQUIER COUNTY CODE (SEWERS AND SEWAGE DISPOSAL)**

The Board of Supervisors held a work session to discuss a proposed revision of Chapter 17 of the Fauquier County Code (Sewers and Sewage Disposal) designed to bring Article 1 into compliance with State Regulations, protecting public health and safety and addressing current technologies. An additional amendment to Chapter 17 was also included for Board consideration that would clear a gray area in Chapter 17 concerning drainfields and residue parcels. Specifically, it would clarify that the reserve drainfield requirement applies to the residue parcel when a new lot or lots are created.

A WORK SESSION TO ALLOW THE FAUQUIER COMMUNITY ALLIANCE FOR REHABILITATION AND EDUCATION (CADRE) TO PRESENT THE RESULTS OF THE PRIDE SURVEY

Tom Harris, Executive Director of CADRE (Community Alliance for Drug Rehabilitation and Education), presented the Board of Supervisors with the results of the PRIDE Survey, which gauges current and historical trends of drug, alcohol and tobacco use among Fauquier County youth.

The meeting was reconvened in Regular Session at 6:30 P.M.

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla, County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

INVOCATION

Mr. Trumbo offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Don Hart led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Nyhous moved to adopt the agenda with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Add new Consent agenda item #6(o), A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Amendments to Chapter 13.5 of the County Code.

INTRODUCTION OF VACo PRESIDENT DONALD HART

Mr. Trumbo introduced Mr. Donald Hart, President of the Virginia Association of Counties (VACo), and member of the Accomack County Board of Supervisors.

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

No proclamations or recognitions were presented.

CONSENT AGENDA

Mr. Nyhous moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes of the Fauquier County Board of Supervisors for the May 14, 2009 Regular Meeting and the Adjourned Meetings of April 28, 2009 and May 22, 2009

A Resolution Authorizing the County Administrator to Make an Offer of Purchase for a Parcel of Real Estate on Behalf of Fauquier County

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO MAKE AN OFFER OF PURCHASE FOR A PARCEL OF REAL ESTATE ON BEHALF OF FAUQUIER COUNTY

WHEREAS, the Fauquier County Board of Supervisors desires to purchase a parcel of land, known as the Viola Smith parcel and also known as Parcel Identification Number 6961-77-7033, being sold by the Fauquier County Circuit Court to satisfy the delinquent real estate tax lien (*Fauquier County Board of Supervisors v. Craig, et al.*, CH00-312); now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the County Administrator be, and is hereby, authorized to make an offer of purchase for the Viola Smith parcel on behalf of Fauquier County from the Fauquier County Circuit Court for the difference between 100% of the appraised value of the parcel and the total taxes, attorneys' fees, and costs owed to Fauquier County, for an amount not to exceed \$49,000.00; and, be it

RESOLVED FURTHER, That the Board directs the Finance Committee to recommend a source of funding for the purchase of the Viola Smith parcel in FY 2010; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute all documents necessary to make the offer of purchase.

A Resolution to Appoint Andrew Hushour as an Additional Fauquier County Zoning Administrator

RESOLUTION

A RESOLUTION TO APPOINT ANDREW HUSHOUR AS AN ADDITIONAL FAUQUIER COUNTY ZONING ADMINISTRATOR

WHEREAS, Fauquier County created the position of Zoning Administrator, currently held by Kimberly A. Johnson, and invested such position with all the powers and responsibilities set forth in *Code of Virginia* § 15.2-2286 and the Fauquier County Zoning Ordinance; and

WHEREAS, Fauquier County created the position of Assistant Zoning Administrator, currently held by Andrew Hushour, to assist with operations of the Zoning Office and on May 8, 2008, invested him with the powers of the Zoning Administrator when the Zoning Administrator is unavailable or when delegated duties by the Zoning Administrator; and

WHEREAS, on May 8, 2008, Kimberly A. Johnson, Fauquier County Zoning Administrator, delegated all powers and duties to Andrew Hushour under *Code of Virginia* § 15.2-2286 and the Fauquier County Zoning Ordinance to abate and proceed to enforce the provisions of the Fauquier County Zoning Ordinance against any person or entity that violates such Ordinances; and

WHEREAS, clarification of the Board's May 8, 2008, resolution and subsequent delegation of authority by Kimberly A. Johnson, Fauquier County Zoning Administrator, is now necessary; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the Board of Supervisors does hereby state that the intent of the May 8, 2008 investiture of the powers of the Zoning Administrator to Andrew Hushour, Assistant Zoning Administrator, was to appoint him as an additional Zoning Administrator for Fauquier County to allow him to exercise all authority and power vested in such position by the *Code of Virginia* § 15.2-2286 and the Fauquier County Zoning Ordinance; and, be it

RESOLVED FURTHER, That Andrew Hushour, Assistant Zoning Administrator, is hereby reappointed as an additional Zoning Administrator for Fauquier County and he shall be vested with all authority and powers of Zoning Administrator set forth in *Code of Virginia* § 15.2-2286 and the Fauquier County Zoning Ordinance.

A Resolution Authorizing the Chairman of the Fauquier County Board of Supervisors to Execute a One-Year Concession Agreement with Fauquier Community Theatre - Story Painters, Inc.

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS TO EXECUTE A SIX MONTH CONCESSION AGREEMENT WITH FAUQUIER COMMUNITY THEATRE - STORY PAINTERS, INC.

WHEREAS, Fauquier County owns a parcel of land described as Parcel 13, Vint Hill Farm Station; and

WHEREAS, the building located on this parcel is commonly known as the Vint Hill Community Theater, Building 188; and

WHEREAS, since April 2001, the County has allowed Fauquier Community Theatre to use the Vint Hill theater facility; and

WHEREAS, on April 13, 2004, the Board of Supervisors and Fauquier Community Theatre, Ltd., entered into a six-month Concession Agreement allowing the theater to be operated by Fauquier Community Theatre, Ltd.; and

WHEREAS, this Concession Agreement was later extended from October 13, 2004, to April 13, 2005, and upon its expiration, extended the Agreement further from May 13, 2005 to July 13, 2005; and

WHEREAS, the Concession Agreement was then extended from July 20, 2005, for a term to July 20, 2008; and

WHEREAS, the current Concession Agreement between the Fauquier County Board of Supervisors and Fauquier Community Theatre - Story Painters, Inc. that was executed on June 1, 2008, for a term of one year to expire on June 11, 2009; and

WHEREAS, the Board of Supervisors desires to enter into a new Concession Agreement with Fauquier Community Theatre - Story Painters, Inc.; and

WHEREAS, the term of this Concession Agreement will be until December 31, 2009, with a renewal for six (6) additional months to June 30, 2010, unless cancelled; and

WHEREAS, a copy of the new Concession Agreement, which includes changes proposed to the Agreement, has been presented to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the Chairman of the Fauquier County Board of Supervisors be, and is hereby, authorized to execute, subject to final approval, the Concession Agreement by and between the Board of Supervisors and Fauquier Community Theatre - Story Painters, Inc.

CONCESSION AGREEMENT

This concession agreement, by and between the Board of Supervisors of Fauquier County on behalf of the Fauquier County Department of Parks and Recreation, and the Fauquier Community Theatre-Story Painters, Inc. (hereafter "FCT") made and dated this 12th day of June, 2009,

Whereas, the Board of Supervisors is the owner of a certain parcel of land described as Parcel 13, Vint Hill Farms Station, and the building attached thereto which is known as the Vint Hill Community Theater, building 188 and

Whereas, the Board and the Parks and Recreation Board desires to allow the theater to be used by the Fauquier Community Theatre-Story Painters, Inc, and

Whereas, the Board is the owner of the aforesaid property by virtue of a deed from the National Park Service dated March 21, 2001 and recorded in Deed Book 1048 at page 814 et seq., attached hereto as Exhibit A, which deed restricts the use of the facility to parks and recreation purposes,

Now, therefore, it is hereby agreed for good and valuable consideration as follows:

TERM OF CONCESSION AGREEMENT

The term of this concession agreement shall be for a period of June 12, 2009 through December 31, 2009 one year from the date of execution and shall be renewable for 6 months until June 30, 2010, provided all the terms herein are met by December 1, 2009 to the satisfaction of the Parks and Recreation Board.

DUTIES OF THE FAUQUIER COMMUNITY THEATRE

- a. The use of the theater shall be scheduled by FCT. The Fauquier County Department of Parks and Recreation shall receive at the beginning of each year a copy of the schedule on June 12, 2009 showing productions through December 31, 2009, and if the agreement is extended on January 1, 2010 showing productions through June 30, 2009.
- b. FCT shall not assign or permit other organizations to utilize the facility for activities not sponsored by FCT without the express written permission of the County.
- c. All utility costs for the use of the building shall be the responsibility of the FCT. All new services or changes to service are to be installed by FCT and will be provided underground to the appropriate junction box provided that the utility permits underground installation. FCT shall have no obligation to extend underground utilities beyond the limits of the County's property boundaries. No new

utilities shall be installed without prior written authorization of the Department of Parks and Recreation. Such consent shall not be unreasonably withheld.

- d. Normal operating and preventative maintenance of the building, trailer appurtenant to the building, and equipment servicing the building and trailer including cleaning of the facilities, trash removal, care, repair and maintenance of all mechanical, roof, electrical, plumbing and HVAC equipment, and repair and maintenance of the interior and exterior of the facility and trailer sufficient to maintain the building in its condition at the commencement of use by FCT, reasonable wear and tear excepted. FCT shall perform regular upkeep on the trailer, theater, premises, outbuildings and equipment enclosures and maintain the exterior condition and appearance of the theater and trailer in a manner consistent with the level of maintenance of the County gymnasium and pool facilities. Surfaces which require paint shall be regularly prepared and painted in a workmanlike fashion and the premises shall be kept in a neat, clean and sanitary condition, all in a manner which is acceptable to the County. No unsightly debris shall be visible on the premises. All facilities shall be maintained in a safe and habitable condition. FCT shall clean the theater regularly and after each performance and shall regularly remove trash from the facility. At the termination of this agreement or any extension thereof, the facility shall be returned to its condition at the commencement of occupancy by FCT, reasonable wear and tear excepted.
- e. FCT shall obtain such insurance as it deems necessary for equipment, supplies, costumes, etc. that are not county property. The Board of Supervisors and the Parks and Recreation Board shall have no responsibility for FCT property. FCT shall maintain acceptable liability insurance for its activities and property and casualty insurance for the building and county/parks and recreation owned contents at all times and provide the County with the certificate or certificates of insurance on an annual basis at the anniversary of this agreement in amounts to be specified by the County's risk manager. FCT shall forthwith provide proof of such insurance at any time upon the request of the County. Notwithstanding any other provision of this agreement, failure to maintain adequate liability, property and casualty insurance shall constitute a material breach of this agreement and shall entitle the cancellation of this agreement without notice or ability to cure.
- f. Security measures as deemed necessary by FCT. Locks and other physical security measures shall be selected, implemented and maintained by FCT. Inspections shall be performed by Parks and Recreation as well as any approving agencies. The County, its agents or designees may also inspect the property at any time to determine compliance with any other provision of this agreement. FCT shall be given reasonable notice of such inspection and permitted to accompany the inspector.
- g. Improvements and renovations are to be coordinated with and approved in writing by the Department of Parks and Recreation prior to construction and by all approving agencies as required.
- h. Complete an annual vendor permit form.
- i. Comply with any National Park Service requirements including any applicable restrictions contained in the deed of the property from the National Park Service to Fauquier County and any other pertinent regulations including Fauquier County Ordinances and applicable regulations of the Department of Parks and Recreation. See deed attached as Exhibit "A" which is incorporated herein.
- j. Maintain 501 (c)(3) status.
- k. Keep all activities open to the public, and comply with any access or other Americans With Disabilities Act requirements applicable to the facility, and not discriminate against any person on the basis of age, sex, race, disability or other basis.

- l. FCT shall, upon request, permit the County and the Department of Parks and Recreation to use the theater without charge at any time when the theater is available, to the maximum extent possible. A Parks and Recreation Recreation Center Attendant or other approved staff will be present at all times during use by the County. Consent to use the theater shall not be unreasonably withheld. Stage lighting, sets, costumes or props shall not be used or disturbed without prior permission of FCT. Fauquier County/the Department of Parks and Recreation shall be permitted to use the facility on Tuesday mornings from 8:00 a.m. to 12:00 noon.
- m. Unless permitted by County Ordinance or State Law, FCT shall prohibit the consumption of alcoholic beverages at the theater.
- n. All improvements to the facility become the property of the County. Property of FCT not to be considered improvements to the facility include the stage lighting and control equipment, sound equipment and trailer.
- o. By September 30, 2009, FCT shall complete make repairs and improve conditions in the theater as noted in the May 1, 2008 letter and attachment from FCT to the Parks and Recreation Board.
- p. By December 1, 2009 July 4, 2008 FCT shall provide the Parks and Recreation Department a conceptual proposal set of complete plans for renovation and expansion of the theater that both parties will use to study the feasibility of such improvements.

COUNTY AND DEPARTMENT OF PARKS AND RECREATION RESPONSIBILITIES

- a. The Department of Parks and Recreation shall waive any fee for the vendor permit as long as the use of the theater remains consistent with the purpose and intent of this Agreement and the theater is used for theatrical productions and uses incidental thereto.
- b. The Department of Parks and Recreation shall provide FCT road access at the rear of the building for loading and unloading purposes until other arrangements are made for improved access.
- c. The Department of Parks and Recreation shall maintain the grounds immediately surrounding the structure, including mowing, landscaping, and snow removal.
- d. The Department of Parks and Recreation shall provide parking near the theater if and when funding permits. Availability of funds shall be determined at the sole discretion of the County.
- e. The Department of Parks and Recreation retains the right to make improvements to the land which is affected by this agreement that it determines in its sole discretion carry out the mission of the Department of Parks and Recreation. In the event that FCT fails to properly maintain the condition of the theater in accordance with paragraph d. herein or fails to provide adequate access for ADA compliance in accordance with paragraph k. herein, the County may, in its sole discretion, either declare a material breach and terminate this agreement or make necessary repairs and improvements to the theater. The County in its discretion may bill FCT for the entire cost or a portion of any such repair, and failure to pay such bill within 30 days shall constitute a material breach of this agreement. The County shall provide reasonable notice of its intent to make such necessary repair and afford FCT the opportunity to make the repair itself, except where the failure to make the repair potentially affects health, safety and welfare or would result in increased damage to the theater.

- f. Allow use of all equipment located on the facility which is owned by the County and assigned by the County to FCT. FCT shall be responsible during the term of this agreement for care of the equipment and personal property and shall return the same to the county at the expiration of the term of this agreement or any extension thereto, reasonable wear and tear excepted.
- g. Following any use of the facility by the County or the Department of Parks and Recreation, the Department of Parks and Recreation shall clean and return the facility to its condition prior to use, reasonable wear and tear excepted.

GENERAL PROVISIONS

AREA OF AGREEMENT: This agreement shall apply only to the building known as Vint Hill Community Theater, 4225 Aiken Drive.

USE OF FUNDS: Admission fees, user fees or other funds collected by Fauquier County and the Department of Parks and Recreation for Fauquier County events and Parks and Recreation events shall be the property of Fauquier County and FCT shall have no claim to such funds.

AGREEMENT SUBJECT TO BOARD OF SUPERVISORS APPROPRIATION: Any obligation of the Board of Supervisors and the Parks and Recreation Board herein shall be subject to the annual appropriation of the Board of Supervisors.

CONCESSION FEE: In consideration for the continued use of the facility outlined herein, FCT shall remit to the County on or before the last day of each month payment in the amount of \$250 per month. A late fee of 5% shall be assessed for any such fee not paid within 10 days of the due date. The County shall reduce this fee by a mutually agreed upon charge for utilities for the period of time the facility is used by the County or its designees.

TERMINATION: This agreement shall terminate in the event that any term of this agreement is in violation of the terms of the conveyance to the County from the United States, or in the event that the County is prohibited by law, lack of funds, or non-appropriation of funds from complying with the provisions of this agreement. Failure to comply with any material provision of this agreement shall constitute grounds for termination of this agreement upon thirty days written notice, with an opportunity to cure any material breach which is curable during the thirty days. In the event the breach is not cured within 30 days, FCT shall immediately vacate the premises, and shall not be entitled to any damages or reimbursement for the cost of any improvements performed by FCT. All improvements shall remain the property of the County upon the termination of this agreement or any extension thereto.

ATTACHMENT: May 1, 2008 letter and attachment from President of Fauquier Community Theatre to Chairman Parks and Recreation Board.

NOTICES: Notices under this agreement shall be sent by regular mail to the following addresses:

Fauquier Community Theatre –Story Painters, Inc.
P.O. Box 3046
Warrenton, Virginia 20188

Larry Miller, Director
Fauquier County Department of Parks and Recreation
320 Hospital Drive, Suite 6

Warrenton, Virginia 20186

Witness the following signatures and seals:

Fauquier County Community Theatre-Story
Painters, Inc.

Fauquier County Board of Supervisors

A Resolution Directing the County Administrator to Schedule a Public Hearing to Amend Chapter 7 of the County Code to Establish a Central Absentee Precinct for Town Elections and to Relocate the Polling Place for Casanova Precinct from the Dominion Virginia Office to Lord Fairfax Community College

RESOLUTION

A RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDMENT TO CHAPTER 7 OF THE COUNTY CODE TO ESTABLISH A CENTRAL ABSENTEE PRECINCT FOR TOWN ELECTIONS AND TO RELOCATE THE POLLING PLACE FOR CASANOVA PRECINCT FROM THE DOMINION VIRGINIA OFFICE TO LORD FAIRFAX COMMUNITY COLLEGE

WHEREAS, the offices of Dominion Virginia are no longer available as a polling place for the Casanova precinct; and

WHEREAS, Lord Fairfax Community College has agreed to serve as a polling place for the Casanova precinct; and

WHEREAS, the Code of Virginia authorizes the County to adopt a central absentee precinct in order to preclude the need to count absentee ballots separately at each precinct; and

WHEREAS, the Board of Supervisors has determined that it is appropriate and in the public interest to consider public input on the proposed amendment to Chapter 7 of the County Code to relocate the polling place for Casanova precinct and establish a central absentee precinct; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing on proposed amendments to Chapter 7 of the County Code.

A Resolution to Authorize a Donation to the Boys and Girls Club of Fauquier, Inc. in the Amount of its Real Estate Taxes

RESOLUTION

A RESOLUTION TO AUTHORIZE A DONATION TO THE BOYS AND GIRLS CLUB OF FAUQUIER, INC. IN THE AMOUNT OF ITS REAL ESTATE TAXES

WHEREAS, the Boys and Girls Club of Fauquier, Inc. currently leases the property at which it is located; and

WHEREAS, the Boys and Girls Club is responsible under the terms of its lease for payment of the real estate taxes for the property and has paid the first half taxes for 2009 in the amount of \$5,889.36; and

WHEREAS, the Boys and Girls Club is a charitable organization that would be eligible for an exemption from real property taxes if it owned the real estate; and

WHEREAS, the Boys and Girls Club has requested that it receive a donation to reimburse its expenditure for real estate taxes, and the Board of Supervisors has determined that it is appropriate to do so; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That a donation in the amount of \$5,889.36 to the Boys and Girls Club of Fauquier, Inc. be, and is hereby, authorized; and, be it

RESOLVED FURTHER, That the Board directs the Finance Committee to recommend a source of funding for a donation in FY 2010 to reimburse the organization's Fall 2009 and Spring 2010 real estate taxes; and, be it

RESOLVED FURTHER, That the Boys and Girls Club of Fauquier, Inc., is to be added to the list of contribution agencies in subsequent years and shall be eligible for a donation in the amount of its annual real estate tax bill, subject to the lawful appropriation of the Board of Supervisors, until such time as the Board of Supervisors repeals or amends this resolution.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Amendments to the Fee Schedule to Address Certain Engineering Fees

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE FEE SCHEDULE TO ADDRESS CERTAIN ENGINEERING FEES

WHEREAS, the abolition of the position of County Engineer creates a need to make revisions to the Community Development Fee Schedule to reflect changes to the manner in which certain review fees will be assessed; and

WHEREAS, the Board of Supervisors has determined that it is appropriate and in the public interest to schedule a public hearing on the proposed amendments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing on proposed amendments to the Community Development Fee Schedule.

A Resolution to Amend the FY 2009 Adopted Budget by (\$310,533)

RESOLUTION

A RESOLUTION TO AMEND THE FY 2009 ADOPTED BUDGET BY (\$310,553)

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on April 2, 2008, the Board of Supervisors adopted the Fauquier County FY 2009 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on May 7, 2009, the Finance Committee recommended for FY 2009 budget adjustments of (\$317,465); and

WHEREAS, at its May 7, 2009 meeting, the Finance Committee recommended a transfer of \$42,500 from the Board of Supervisors' contingency reserve for expenses in the Sheriff's Office; and

WHEREAS, at its June 4, 2009 meeting, the Finance Committee recommended transfers of \$31,041 from the contingency reserve for expenses in Parks and Recreation and the Board of Supervisors; and

WHEREAS, the Finance Committee's recommendation to transfer \$28,041 from the contingency reserve to Parks and Recreation was accompanied by an increase of \$6,941 in departmental revenue; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the FY 2009 Budget be, and is hereby, amended in the amount of (\$310,553) as indicated on the attached summary.

2009 Budget Action Summary

Requesting Department	Action	Amount	Category		Explanation
			From	To	
Consent Agenda					
Social Services	Virginia Initiative for Employment not Welfare (VIEW) Grant	\$4,251	Federal Revenue	Social Services	Appropriates State grant revenue for the VIEW and TANF programs to reflect actual awards in FY 09.
	Temporary Assistance for Needy Families (TANF) Grant	\$3,500	State Revenue		
Volunteer Fire & Rescue Association	Virginia Four for Life Program	\$6,867	State Revenue	Volunteer Fire & Rescue Association	Appropriates funding from the State Health Department for emergency services to the VFRA Fund.
Finance	Central Sports Complex Grant	\$320,450	De-appropriation	Capital Improvement Fund	Eliminates anticipated State funding for the Central Sports Complex due to deferral of the project in the CIP.
School Division	Mentor Teacher Program	\$11,633	De-appropriation	School Operating Fund	Reduces State funding for the Mentor Teacher program to reflect actual FY 09 revenue.
Sheriff's Office	Adult Detention Center Costs (ADC)	\$42,500	Contingency Reserve	Sheriff's Office, Adult Detention Center	Transfers \$42,500 from the General Fund Contingency Reserve to the Adult Detention Center to offset inmate health care costs.
Board of Supervisors	Business Survey	\$3,000	Contingency Reserve	Board of Supervisors	Transfer funds for a county-wide survey to be conducted by the Balanced Growth Alliance.
Parks & Recreation	Northern Community Park	\$28,041	Contingency Reserve	Parks & Recreation	Transfer funds for P&R to provide the maintenance and scheduling of the athletic fields.
		\$6,912	Property Rental		

A Resolution Authorizing the Donation of a Surplus Vehicle to the Rappahannock Regional Criminal Justice Academy (RRCJA)

RESOLUTION

A RESOLUTION AUTHORIZING THE DONATION OF A SURPLUS VEHICLE TO THE RAPPAHANNOCK REGIONAL CRIMINAL JUSTICE ACADEMY (RRCJA)

WHEREAS, on May 18, 2009, the Director of the Rappahannock Regional Criminal Justice Academy (RRCJA) submitted a request to the Fauquier County Sheriff for the donation of a used law enforcement vehicle to the Rappahannock Regional Criminal Justice Academy

(RRCJA), to be used to teach defensive driving for law enforcement officers in accordance with Department of Criminal Justice Service standards; and

WHEREAS, the Sheriff has identified a surplus law enforcement vehicle, a 2004 Ford Crown Victoria VIN: 2FAHP71W44X134596 that would meet the needs of RRCJA; and

WHEREAS, the donation or transfer of a County-owned vehicle to an outside entity requires the approval of the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the Fauquier County Board of Supervisors does hereby authorize the County Administrator to take all actions necessary to donate the aforementioned surplus law enforcement vehicle to the RRCJA.

A Resolution to Authorize the Submission of an Application to the Virginia Department of Housing and Community Development (DHCD) for Acquisition and Administration Funds to Purchase Vacant Foreclosed Homes as Provided Through the Neighborhood Stabilization Program (NSP)

RESOLUTION

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF A PROPOSAL TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDS

WHEREAS, the nation is attempting to deal with a large number of housing foreclosures that have a negative impact on the community; and

WHEREAS, the Virginia Department of Housing and Community Development (DHCD) has announced the availability of funding and program guidelines to address a part of this issue; and

WHEREAS, Fauquier County and the Towns of Warrenton and Remington successfully applied for and obtained \$25,000 in Planning Grant funds in preparation for submitting a competitive proposal to DHCD seeking property acquisition and program administration funds on July 1, 2009; and

WHEREAS, the Fauquier County Affordable Housing committee has monitored the housing foreclosure issue from a local perspective and recommends pursuing Federal and State assistance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That that the County Administrator be, and is hereby, authorized to submit a proposal for Neighborhood Stabilization Program funding to purchase vacant foreclosed homes in Fauquier County for the purpose of rehabilitating and re-selling them to qualified homebuyers.

A Resolution to Authorize the County Administrator to Amend Executed Contract #33-09khc for the Route 605/602 Intersection Signalization and Turn Lane Improvements (Project Number 0605-030-354, C501; UPC Number: 79990)

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AMEND EXECUTED CONTRACT #33-09KHC FOR THE ROUTE 605/602 INTERSECTION SIGNALIZATION AND TURN LANE IMPROVEMENTS (PROJECT NUMBER 0605-030-354, C501; UPC NUMBER: 79990)

WHEREAS, the Board of Supervisors has obligated itself by revenue share agreement with the Virginia Department of Transportation (VDOT) to administer the planned signalization and lane improvements for the Route 605/602 intersection; and

WHEREAS, this project improvement is one which will serve the opening of Greenville Elementary School and Kettle Run High School, as well as new local development and escalating traffic community wide; and

WHEREAS, the construction plan is approved, the essential right-of-way and easements acquired and utilities relocated; and

WHEREAS, the Fauquier County Board of Supervisors authorized the County Administrator to execute a contract with S.W. Rodgers Company, Inc. for \$452,403 with allowance for negotiated change orders essential for project completion and the County executed Contract #33-09khc on March 4, 2009 in the amount of \$461,379; and

WHEREAS, change orders due to poor site conditions will result in overall contract value exceedance levels beyond that allowed by the Code of Virginia for public projects; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the Fauquier County Administrator be, and is hereby, authorized to amend Executed Contract #33-09khc with S.W. Rodgers Company, Inc. in the approximate amount of \$400,000 for the completion of the Route 605/602 intersection signalization and turn lane improvements, with allowance for negotiated and approved change orders consistent with the Code of Virginia essential for project completion.

A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Orlean National Register Historic District

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE ORLEAN NATIONAL REGISTER HISTORIC DISTRICT

WHEREAS, the Orlean Historic District is located on Leeds Manor Road (Route 688) that once was part of Lord Fairfax's massive land holdings known as "Leeds Manor" and

WHEREAS, Orlean began as a log structure leased by John Winn Smith in the late 18th century and the 80-acre district has 51 contributing historic structures representing Orlean's role as a Fauquier County Village for over 214 years; and

WHEREAS, the log structure now forms a wing of the stone dwelling known as the "Orlean House" that today stands amidst an eclectic collection of historic buildings such as the Greek Revival style Smith-Hinkley House, a vacant former post office, two Queen Anne styled homes, the Victorian Jeffries Store building, numerous other classical rural buildings, and a vast array of smokehouses, barns, cemeteries, and other outbuildings; and

WHEREAS, the historic marker on the southern entrance reads "Here Lee and Longstreet, on their way to join Jackson, then at Bristoe Station, camped on August 26, 1862."

WHEREAS, the Village of Orlean was long a center of religion and education for both African-Americans and Whites as embodied in the Providence Baptist Church, the Orlean Methodist Church and the archaeological remains of early schoolhouses; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the Board of Supervisors hereby supports and encourages the Virginia Board of Historic Resources to include the Orlean Historic District, located in the Marshall Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources recommends to the National Park Service, due to the established and unique history and National significance of Orlean, that this district expansion be enrolled in the National Register of Historic Places.

A Resolution to Extend the Date for Planning Commission Recommendations Regarding the Zoning Ordinance Text Amendments to Sections 3-318.17-18, 5-1810, 6-102, and 15-300 Related to Farm Wineries

RESOLUTION

A RESOLUTION TO EXTEND THE DATE FOR PLANNING COMMISSION RECOMMENDATIONS REGARDING THE ZONING ORDINANCE TEXT AMENDMENTS TO SECTIONS 3-318.17-18, 5-1810, 6-102, AND 15-300 RELATED TO FARM WINERIES

WHEREAS, the Fauquier County Zoning Ordinance regulates Farm Wineries; and

WHEREAS, Fauquier County seeks to update its regulations related to Farm Wineries to make them consistent with changes to the Code of Virginia related to Farm Wineries; and

WHEREAS, Fauquier County seeks to provide additional flexibility to Farm Wineries to promote their economic viability, while still protecting the health, safety and welfare of the public; and

WHEREAS, on November 13, 2008, the Board of Supervisors initiated a Zoning Ordinance Text Amendment to Sections 3-318.17-18, 5-1810, 6-102, and 15-300 related to Farm Wineries; and

WHEREAS, on February 23, 2009, the Board of Supervisors authorized a three month extension for the Planning Commission, giving them until their May 2009 meeting to make a recommendation on the proposed text amendment; and

WHEREAS, the Planning Commission needs additional time to allow for public comment and to prepare its recommendations regarding the proposed amendments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the deadline for Planning Commission recommendations, regarding the above-referenced text amendments to the Zoning Ordinance, be, and is hereby, extended to August 27, 2009.

A Resolution to Provide Interim Financing for the Vint Hill Farms Wastewater Treatment Plant Expansion Project as Needed Prior to Permanent Financing Scheduled for Fall 2009

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR, IN ANTICIPATION OF THE COLLECTION OF TAXES AND REVENUES FOR FISCAL YEAR ENDING JUNE 30, 2010, TO ENTER INTO A STANDBY LINE OF CREDIT OF UP TO \$1,000,000 TO COVER INITIAL COSTS OF UPGRADING THE VINT HILL SEWER TREATMENT PLANT

WHEREAS, pursuant to the Public Finance Act of 1991, the County of Fauquier, Virginia (the "County") is authorized to borrow money in anticipation of the collection of taxes and revenues of the County for the fiscal year ending June 30, 2010, and to issue its notes therefor; and

WHEREAS, the Board of Supervisors (the "Board") of the County and the Fauquier County Water and Sanitation Authority (the "Sanitation Authority") have entered into a Funding Agreement dated March 25, 2009 (the "Funding Agreement"), related to the Vint Hill Farms

Wastewater Treatment Plant Expansion (the “Project”), pursuant to which the County has agreed to make certain payments to the Sanitation Authority in support of the Project; and

WHEREAS, in anticipation of the collection of taxes and revenues for the Fiscal Year ending June 30, 2010, the County desires to enter into a standby line of credit facility of up to \$1,000,000 with a financial institution (the “Bank”) and use the proceeds thereof to finance its initial contributions under the Funding Agreement; and

WHEREAS, there has been presented to this meeting the form of a Standby Line of Credit Agreement (the “Agreement”), between the County and the Bank, which the County proposes to execute or approve to carry out the standby line of credit, copies of which instrument shall be filed with the records of the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA:

1. The Board hereby determines that it is necessary and expedient for the County, in anticipation of the collection of taxes and revenues for the County’s fiscal year ending June 30, 2010, to make arrangements for a standby line of credit facility of up to \$1,000,000 under which the County may borrow funds to finance its initial contributions under the Funding Agreement. Funds, if any, advanced under the Agreement shall only be used to make payments required by the County under the Funding Agreement in support of the Project.

2. The Board authorizes the County Administrator, in consultation with Davenport & Company LLC, the County’s financial advisor, to choose a financial institution to serve as the Bank and to execute and deliver the Agreement, in substantially the form presented to this meeting; provided, however, that the Agreement shall provide for (a) the County to draw-down and repay from time to time such amounts not to exceed \$1,000,000 at any given time, (b) interest to be repaid on any amounts drawn at a fixed or variable interest rate, as negotiated by the County Administrator and the Bank, with an initial rate not to exceed 6.25% per year and (c) any amounts drawn thereunder to be repaid no later than June 30, 2010. Amounts, if any, drawn under the Agreement shall be evidenced by a note of the County.

3. All other actions of officers of the County and the Board in conformity with and in furtherance of the purposes and intent of this Resolution are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with financing the Project.

4. This resolution shall take effect upon July 1, 2009.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Amendments to Chapter 13.5 of the County Code

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 13.5 OF THE COUNTY CODE

WHEREAS, the Board of Supervisors has proposed an amendment to the County Code to address the permissible hours of trash collection; and

WHEREAS, the Board of Supervisors has determined that it is appropriate for good planning and zoning purposes and in the interest of the health, safety and welfare of the public to schedule a public hearing on the proposed amendments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing on proposed amendments to Chapter 13.5 of the County Code.

REGULAR AGENDA

None

APPOINTMENTS

None

SUPERVISORS' TIME

- Mr. Graham announced that he will be the Master of Ceremonies for the Head Start Charity Golf Tournament on Friday, June 12th to benefit the Bright Stars program, and organizers are seeking sponsors. Mr. Graham announced the Fauquier County Fair is scheduled to be open July 16-19, 2009; Board members will serve at Blue Ribbon Dinner, and he encouraged citizens to watch the newspaper for the list of upcoming Fauquier County Fair activities.
- Mr. Schwartz extended sympathy to Jolly deGive whose husband David deGive passed away last Sunday. Mr. Schwartz said that David deGive was very devoted to Fauquier County and its heritage and he worked tirelessly to do good things for the County.
- Mr. Stribling said that the Virginia Association of Counties (VACo) is a great organization and Fauquier County is fortunate to be a part of it. Mr. Stribling said the Remington Volunteer Fire Department Carnival just concluded and was well attended in spite of inclement weather. Mr. Stribling expressed appreciation to those that helped to

make contributions to various local non-profit programs because these organizations depend on citizens to support their programs.

- Mr. Nyhous echoed sympathies for the loss of David deGive. Mr. Nyhous announced that the new Harris Teeter market opened on Tuesday, creating over 100 new jobs; he added that businesses are always welcome to the County and he encouraged citizens to visit the new store. Mr. Nyhous stated that on Saturday he visited with members of the Parks and Recreation Trails Coalition, a very hard working group of volunteers that help beautify trails around the County. Mr. Nyhous stated that the Trails Coalition opened information kiosks at the new trails in the Whites Mills subdivision. Mr. Nyhous announced that the Bluemont Concert series will return with its first performance on Saturday June 27th at the original location on the lawn of the Courthouse complex; he added that it is a good time for families to enjoy terrific music and entertainment.
- Mr. Trumbo announced that on Sunday June 14th to New Baltimore Volunteer Fire Department will hold its annual Father's Day Breakfast and open house and he encouraged citizens to visit the firehouse for breakfast. Mr. Trumbo stated he and Mr. Nyhous had a wonderful time on May 30th in Richmond helping select the leadership for the State of Virginia.

ANNOUNCEMENTS

- Mr. McCulla announced that the Board of Supervisors will hold its next regular meeting on July 9, 2009, at 6:30 P.M. at the Warren Green first floor meeting room, located at 10 Hotel Street, in Warrenton, Virginia.

AGRICULTURAL AND FORESTAL DISTRICT ADDITION: 14TH ADDITION TO ORLEAN/HUME DISTRICT AGFD09-MA-001

A public hearing was held to consider an application to add two parcels totaling 86.5565 acres, located at the intersection of Tanner Branch Road and John Barton Payne Road, Marshall District, further described as PIN #6947-04-5022-000 and PIN #6947-05-5541-000. Kim Johnson, Zoning Administrator, summarized the application. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE THE 14th ADDITION TO THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Section 15.2-4310, *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the 14th Addition to the Orlean/Hume Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 14th Addition to the Orlean/Hume Agricultural and Forestal District is hereby added this 11th day of June 2009, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2012.
- 3) That the 14th Addition shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
6947-04-5022	Stephen E. & Ann P. Garmon	62.5000
6947-05-5541	Stephen E. & Ann P. Garmon	24.0565
	Total:	86.5565

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception permit except for agricultural or forestal production and construction of dwellings for persons who earn a

- substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
- b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
 - c. No special exception permit shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the *Code of Virginia*.
 3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
 4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
 5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided then the entire parcel shall automatically be removed from the District.
 6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.

DESIGN STANDARDS MANUAL

A public hearing was held to consider an Ordinance to Amend Chapter 2 of the Design Standards Manual dealing with drainage. Kimberley P. Fogle, Assistant Director of the Department of Community Development, summarized the proposed amendment. Kitty Smith, Marshall District, spoke in favor of the amendment in general terms, but suggested further major refinements were necessary. Chuck Medvitz, Scott District, requested that action be deferred pending receipt of additional citizen committee input. No one else spoke. Mr. Schwartz moved to continue the public hearing and postpone action on this matter until the next regular meeting. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN

A public hearing was held to consider a Zoning Ordinance Text Amendment to Article 4 to amend the Planned Residential Development (PRD) district provisions. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendments. Kitty Smith, Marshall District, stated she supports the amendments in general, but asked the Board to consider additional revisions to address small versus large PRDs; Chuck Medvitz, Scott District, requested that the Board consider postponing action pending receipt of additional citizen committee feedback. No one else spoke. Mr. Schwartz moved to continue the public hearing and postpone action on this matter until the next regular meeting. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

COMPREHENSIVE COMPLIANCE REVIEW CCRV09-SC-004: FAUQUIER LAKES LIMITED PARTNERSHIP/BROOKSIDE DEVELOPMENT, LLC (OWNER), BOHLER ENGINEERING (APPLICANT) – BROOKSIDE PHASE 8 PUBLIC LIBRARY

A public hearing was held to consider an application seeking a Comprehensive Plan Conformance Determination in accord with Code of Virginia, Section 15.2-2232, as to whether the location of this facility on the property is substantially in accord with the Comprehensive Plan. The property is located on Brookside Parkway north and east of its intersection with Groupe Road, Scott District, further described as a portion of PIN #7915-03-7603-000. Susan Eddy, Chief of Planning, summarized the application. Amy Trotto, Scott District, spoke in opposition to the application. Merle Fallon, Esquire, spoke on behalf of the applicant to request favorable consideration of the application. Chuck Medvitz, Scott District, suggested revising the text in paragraph 4 to state “second” library site. Kitty Smith, Marshall District, urged the Board to be very careful in considering the application. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following resolution. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO MAKE A DETERMINATION REGARDING A COMPREHENSIVE PLAN CONFORMANCE REVIEW (CCRV09-CR-004) IN ACCORD WITH *CODE OF VIRGINIA*, SECTION 15.2-2232, AS TO WHETHER THE LOCATION OF A PUBLIC LIBRARY ON THIS PROPERTY IS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN – FAUQUIER LAKES, LP/BROOKSIDE DEVELOPMENT, LLC (OWNER), BOHLER ENGINEERING (APPLICANT)

WHEREAS, Fauquier Lakes, LP/Brookside Development, LLC, owner, is seeking a Comprehensive Plan Conformance Determination for the proposed public library location in accord with Code of Virginia, Section 15.2-2232, as to whether the location of this facility on this property, which is on the future Brookside Parkway north and east of its intersection with Groupe Road and further identified as a portion of PIN #7915-03-7603-000, is substantially in accord with the Comprehensive Plan; and

WHEREAS, on April 30, 2009, the Fauquier County Planning Commission held a public hearing on the proposed application and unanimously recommended approval of the Comprehensive Plan Compliance Review; and

WHEREAS, on June 11, 2009, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors finds that the location of a library at this site would be in substantial accord with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That Comprehensive Plan Compliance Review CCRV09-CR-004, Fauquier Lakes, LP/Brookside Development, LLC, owner, be and is hereby, approved.

COMPREHENSIVE PLAN AMENDMENT CPAM09-CT-006: RFI CM, LC (OWNER/APPLICANT) – CEDAR MILL

A public hearing was held to consider an application to obtain a Comprehensive Plan Amendment to add four parcels containing approximately 80 acres to the Warrenton Service District. The properties are located at the southwest corner of Atlee Road and Frytown Road (Route 674), in Center District, further described as PIN #6994-26-8780-000, PIN #6994-27-7561-000, PIN #6994-36-7932-000, and PIN #6994-37-4250-000. Susan Eddy, Chief of Planning, summarized the application. Roy Beckner, spoke on behalf of the applicant to request favorable consideration of the application. Chuck Medvitz, Scott District, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None

Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE A COMPREHENSIVE PLAN AMENDMENT (CPAM09-CT-006 – CEDAR MILL) TO ADD FOUR PARCELS CONTAINING APPROXIMATELY 80 ACRES TO THE WARRENTON SERVICE DISTRICT

WHEREAS, RFI CM, LC owns four parcels totaling approximately eighty (80) acres, further described as PIN #6994-26-8780-000, 6994-27-7561-000, 6994-36-7932-000, and 6994-37-4250-000, and has made a request to add these parcels to the Warrenton Service District; and

WHEREAS, the owner wishes to have these parcels placed in the land use category Greenway Residential, and in the non-sewered portion of the Service District; and

WHEREAS, these properties are already designated to be served by public water pursuant to a Developer's Agreement; and

WHEREAS, the owner is requesting to have the following Service District Maps revised: Figure 6-WA-1 (Land Use Plan), Figure 6-UT-2 (Sewer Service Area), and Figure 6-UT-2 (Water Service Area); and

WHEREAS, on April 30, 2009, the Planning Commission held a public hearing on the application; and

WHEREAS, on June 11, 2009, the Fauquier County Board of Supervisors conducted a public hearing and considered oral and written testimony; and

WHEREAS, the Board of Supervisors has determined that a Comprehensive Plan Amendment is warranted for this request; now, therefore be it

ORDAINED, by the Fauquier County Board of Supervisors this 11th day of June 2009, That Comprehensive Plan Amendment CPAM09-CT-006, requested by RFI CM, LC, owner, be and is hereby, approved.

REZONING REZN09-MA-002: UPPERVILLE INVESTMENTS, LLC (OWNER / APPLICANT) – UPPERVILLE INVESTMENTS, LLC

A public hearing was held to consider an application to rezone approximately 1.0 acre from Commercial Village (with proffers) to Village. The property is located at 9027 John S. Mosby Highway (Route 50), in Marshall District, further described as PIN #6064-04-1816-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Mildred Slater, Marshall District, spoke on behalf of the applicant to request favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt

the following Ordinance. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE A REZONING (REZN09-MA-002) OF APPROXIMATELY 1.0 ACRE FROM COMMERCIAL VILLAGE (WITH PROFFERS) TO VILLAGE – UPPERVILLE INVESTMENTS, LLC (OWNER/APPLICANT)

WHEREAS, Upperville Investments, LLC, owner/applicant, has submitted a rezoning request to rezone the parcel identified as PIN #6064-04-1816-000, currently zoned Village Commercial (CV), with proffers, (1.0 acre in size) to Village (V); and

WHEREAS, the parcel is within the Village of Upperville; and

WHEREAS, on April 30, 2009, the Fauquier County Planning Commission held a public hearing on the Rezoning request and unanimously recommended that the application be approved; and

WHEREAS, on June 11, 2009, the Fauquier County Board of Supervisors held a public hearing on this Rezoning request and considered both oral and written testimony; and

WHEREAS, the Board of Supervisors concurred with the judgment of the Planning Commission; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of June 2009, That the Rezoning request (REZN09-MA-002), Upperville Investments, LLC, to change the Zoning Map designation of 1.0 acre of CV zoned property to V be, and is hereby, approved.

REZONING REZN08-LE-007 & SPECIAL EXCEPTIONS SPEX08-LE-028, SPEX08-LE-029, & SPEX08-LE-030: JAMES I. & GRACE S. LIM AND IN SEOK LIM (OWNERS / APPLICANTS)

A public hearing was held to consider and application to rezone 6.7 acres from Rural Agricultural (RA) to Commercial – Highway (C-2) and 1.56 acres from Commercial – Highway

(C-2) with proffers to Commercial – Highway (C-2) with revised proffers. Applicants are also requesting three Category 13 Special Exceptions to allow for drive-throughs to accommodate a bank, restaurant, and pharmacy. The property is located at the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), at 10772 Bowers Run Drive, in Lee District, further described as PIN #6899-16-9374-000 and PIN #6899-16-6332-000. Holly Meade, Senior Planner, stated that the applicant had requested postponement of action until the Board's next regular meeting on July 9, 2009. Bonnie Kidwell, Lee District, resident of Meadowbrook subdivision, spoke in opposition to the application. No one else spoke. Mr. Stribling moved to continue the public hearing and postpone a decision on the matter until the next regular meeting. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

SPECIAL EXCEPTION SPEX09-CT-017: WARRENTON LIBERTY, LLC (OWNER)/HOLTZMAN OIL CORPORATION (APPLICANT) – WARRENTON DENNY'S / LIBERTY / 7-ELEVEN

A public hearing was held to consider an application to obtain approval for additional signage. The property is located at 7323 and 7325 Comfort Inn Drive (Route F973) on the southeast side of Route 15/29, in Center District, further described as PIN #6995-00-4401-000. Holly Meade, Senior Planner, summarized the application. Bob Runion, spoke on behalf of the owner to request favorable consideration of the application. Bill Park, Marshall District, and Chuck Medvitz, Scott District, spoke in opposition to the application. Todd Benson, representing the Piedmont Environmental Council, suggested reducing the expiration date to one year versus ten years. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution following the recommendation of the Planning Commission. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

**A RESOLUTION TO APPROVE A SPECIAL EXCEPTION REQUEST (SPEX09-CT-017)
FOR ADDITIONAL SIGNAGE**

WHEREAS, Warrenton Liberty, LLC (Owner) and Holtzman Oil Corporation (Applicant), is seeking Special Exception approval to allow additional signage for an existing

Denny's restaurant, Liberty gas station and 7-Eleven convenience store on parcel 6995-00-4401-000; and

WHEREAS, on June 12, 2008, the Fauquier County Board of Supervisors approved a text amendment allowing signage in Commercial and Industrial areas to be increased by not more than one hundred percent with Special Exception approval, subject to consideration of certain findings; and

WHEREAS, on April 30, 2009, the Planning Commission conducted a public hearing and considered written and oral testimony; and

WHEREAS, on June 11, 2009, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 8-1502; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That SPEX09-CT-017 be, and is hereby, approved, subject to the following conditions:

1. Future signs shall be consistent with the application materials; total signage on the site shall not exceed 273.3 square feet.
2. The Special Exception is for a maximum of 123.3 square feet of additional signage over the allowed 150 square feet. No additional square footage shall be allowed for the freestanding sign.
3. All signs shall require an approved zoning permit before installation.
4. The signs shall be backlit only.
5. The existing zoning violations shall be abated prior to any new sign permits being issued by the Zoning Office.
6. The Special Exception is granted for a ten year period, expiring on June 11, 2019.

SPECIAL EXCEPTION SPEX09-CR-018 & SPEX09-CR-019: DOMINION VIRGINIA POWER (APPLICANT AND EASEMENT OWNER)/STANLEY M. & SUE F. HEFLIN, PORTER W. & TERESA M. LONGERBEAM, MARY JO LYNKEY, NANCY M. MCCUISTON, BONNIE M. MORGAN, BRIAN A. MORGAN, DANIEL W. MORGAN, GREGORY T. MORGAN, JOEL H. MORGAN, MICHAEL J. MORGAN, TIMOTHY J. MORGAN, WILLIAM F. MORGAN, JENIFER S. WILLIAMS, JOSEPH WILLIAM & BEVERLY G. HAYES, CYNTHIA JO STROUD, AND THE ALLEN FAMILY LTD. PARTNERSHIP (PROPERTY OWNERS) – BRISTERS-SOWEGO 115 KV TRANSMISSION LINE RELOCATION

A public hearing was held to consider an application to obtain a Category 20 Special Exception to allow for the addition of 1.6 miles of 115 kV electrical conductor onto the western side of State Corporation Commission (SCC) approved 230 kV transmission line structures north from the Bristers Substation. Applicant also wishes to add two 3-pole structures to connect the new conductor to the existing 115 kV line east to the Sowego Substation. A Category 23 Special Exception is also required for construction of the utility poles within the FEMA 100-year floodplain. The new line would be located within the existing 240' wide Dominion easement (VEPCO right-of-way). The corridor property is located between Cromwell Road (Route 639) and Courthouse Road (Route 609), further described as PIN #7839-84-6628-000, PIN #7849-10-8611-000, PIN #7849-11-3813-000, PIN #7849-15-7177-000, PIN #7849-17-0225-000, PIN #7849-27-8879-000, and PIN #7849-28-3304-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Joseph Hayes, Cedar Run District, spoke in opposition to the application, citing that the power company and/or its representatives had previously damaged personal property by leaving ruts in his driveway. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX09-CR-018 & SPEX09-CR-019: A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR THE ADDITION OF 1.6 MILES OF 115 KV ELECTRICAL CONDUCTOR ONTO THE WESTERN SIDE OF STATE CORPORATION COMMISSION (SCC) APPROVED 230 KV TRANSMISSION LINE STRUCTURES NORTH FROM THE BRISTERS SUBSTATION & THE ADDITION OF TWO 3-POLE STRUCTURES TO CONNECT THE NEW CONDUCTOR TO THE EXISTING 115 KV LINE EAST TO THE SOWEGO SUBSTATION

WHEREAS, Dominion Virginia Power, applicant and easement owner and Stanley M. & Sue F. Heflin, Porter W. & Teresa M. Longerbeam, Mary Jo Lynskey, Nancy M. McCuiston, Bonnie M. Morgan, Brian A. Morgan, Daniel W. Morgan, Gregory T. Morgan, Joel H. Morgan, Michael J. Morgan, Timothy J. Morgan, William F. Morgan, Jenifer S. Williams, Joseph William & Beverly G. Hayes, Cynthia Jo Stroud, and The Allen Family Ltd. Partnership, property owners, is seeking Special Exception approval for construction of for the addition of 1.6 miles of 115 kV electrical conductor onto the western side of State Corporation Commission (SCC) approved 230 kV transmission line structures north from the Bristers Substation and two 3-pole structures to connect the new conductor to the existing 115 kV line east to the Sowego Substation (within the FEMA 100-year floodplain); and

WHEREAS, the following PINs are part of the project 7839-84-6628-000, 7849-10-611-000, 7849-11-3813-000, 7849-15-7177-000, 7849-17-0225-000, 7849-27-8879-000 & 7849-28-3304-000; and

WHEREAS, on April 30, 2009, the Fauquier County Planning Commission held a public hearing on the Special Exception requests and recommended unanimously that the applications be approved, subject to conditions; and

WHEREAS, on June 11, 2009, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the applications satisfy the standards of Zoning Ordinance Articles 5-006, 5-2000 and 5-2300; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That SPEX09-CR-018 & SPEX09-CR-019 be, and are hereby, approved, subject to the following conditions:

1. The Special Exceptions (SPEX09-CR-018 & SPEX09-CR-019) are granted for and run with the land (easement) indicated in this application, known as PINs 7839-84-6628-000, 7849-10-8611-000, 7849-11-3813-000, 7849-15-7177-000, 7849-17-0225-000, 7849-27-8879-000 & 7849-28-3304-000, and are not transferable to other land.
2. The Special Exceptions are granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat titled "Dominion Virginia Power Bristers-Sowego 115 kV Transmission Line Relocation" dated February 2009, received in the Planning Office on March 19, 2009, approved with the applications, as qualified by these development conditions.
3. Prior to land disturbance for any new construction or alterations of any type, a Site Plan consistent with the approved Special Exception, provisions of Article 12 of the Fauquier County Zoning Ordinance and the bulk regulations for the underlying RA zoning district must be approved prior to obtaining building and zoning permits.
4. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facilities or system that would increase flood heights and/or velocities, on adjacent properties.
5. If the power lines cross any state maintained roads, a VDOT permit shall be obtained prior to the start of construction.

6. The applicant is responsible for any utility relocation costs associated with construction and appropriate authorization is required for any work within rights-of-way or easements.
7. If the lines are permanently decommissioned, and operations have ceased for a two-year period, then the applicant is required to remove all facility equipment and infrastructure represented in the approved site plan. In addition, all mandatory federal and state environmental cleanup requirements must be met, and the site returned to its natural state within three years after the referenced two-year termination of operations.
8. Conditions of the Special Exception shall be applicable to all successors and assigns of the applicant. In the event that the applicant challenges any condition of this Special Exception, the Board of Supervisors evidences its intent that these conditions are not severable.
9. This Special Exception shall approve the construction of the following: 1) The addition of 1.6 miles of 115 kV electrical conductor onto the western side of State Corporation Commission (SCC) approved 230 kV transmission line structures north from the Bristers Substation, and 2) construction of two 3-pole structures to connect the new conductor to the existing 115 kV line east to the Sowego Substation.

SPECIAL EXCEPTION AMENDMENT SEAM09-CR-001: FAUQUIER COUNTY BOARD OF SUPERVISORS (OWNER/APPLICANT) – WARRENTON-FAUQUIER AIRPORT

A public hearing was held to consider an application to amend the conditions of a previously approved Special Exception that allowed for the construction and operation of a wastewater treatment disposal system. The property is located at 5053 Airport Road and Area “A” west of Midland Road (Route 610), in Cedar Run District, further described as PIN #7900-51-6351-000 and #7809-78-6301-000. Holly Meade, Senior Planner, summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution, following recommendations of the Virginia Department of Health. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SEAM09-CR-001 TO ALLOW THE APPLICANT TO AMEND THE CONDITIONS OF A PREVIOUSLY APPROVED SPECIAL EXCEPTION WHICH ALLOWED FOR THE CONSTRUCTION AND OPERATION OF A WASTEWATER TREATMENT DISPOSAL SYSTEM

WHEREAS, the Comprehensive Plan for the Midland Service District calls for the development of a limited capacity wastewater treatment facility to serve the Warrenton-Fauquier Airport and areas identified in the Sewer Service Priority Area; and

WHEREAS, on May 19, 2003, the Board of Supervisors approved a Special Exception permit for the operation of a wastewater treatment and disposal system located at the Warrenton-Fauquier Airport; and

WHEREAS, the system was designed with a Phase I and Phase II capacity; and

WHEREAS, the applicant is requesting several of the previously approved conditions be amended to reflect the current situation in order to proceed to Phase II; and

WHEREAS, on February 26, 2009 the Planning Commission conducted the final public hearing on application SEAM09-CR-001; and

WHEREAS, on April 9, 2009, and June 11, 2009, the Board of Supervisors conducted a public hearing considering oral and written testimony; and

WHEREAS, the Board of Supervisors has determined that the application does satisfy the standards of Zoning Ordinance Articles 5-006, 5-2001 and 5-2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That SEAM09-CR-001 be, and is hereby, approved subject to the following conditions:

1. Monitoring reports, along with all maintenance reports and inspections, shall be submitted quarterly to the Health Department via the county's electronic reporting system.
2. A contract with a qualified service provider shall be kept in effect at all times, with all new or renewed contracts submitted to the Health Department for review.
3. A responsible operator shall be on-site daily and available to evaluate the system periodically throughout the day and make minor adjustments as needed. The operator shall possess the knowledge to recognize significant maintenance issues that warrant contacting a Class IV Operator for emergency assistance. The installation of remote monitoring equipment may be required.
4. Effluent flow shall be estimated monthly and submitted to the Health Department quarterly for review. If an actual meter is not in place, flow shall be estimated using the control panel

to determine the number of pumping events and then calculating based on the dosing gallons. The design flow shall be amended from 4,350 to 8,800 gallons per day.

5. Quarterly effluent samples shall be collected for Ammonia, Chloride TSS (Total Suspended Solids), BOD5 (5 Day Biological Oxygen Demand), pH and Total Nitrogen and submitted to the Health Department. Additional sampling may be required at the discretion of the Health Department.
6. A reserve drainfield area shall be certified by the Health Department to achieve the 100% requirement of the Service District.
7. A sufficient portable generator shall be provided on-site within four hours of power failure.
8. The capacity of the system shall not be increased beyond 8,800 gpd until a plan for allocating additional capacity (i.e., adding users) has been approved by the Board of Supervisors. The Planning Commission shall review any such plan prior to the Board of Supervisors' consideration.
9. The service area of the system shall be limited to the Sewer Service priority area shown in the Comprehensive Plan for the Midland Service District (Map 6.6H adopted in 2002), or as amended in future Comprehensive Plans.
10. Within 90 (ninety) days of approval of the Special Exception amendment, the County shall contract with a hydrogeologist to establish a groundwater monitoring program, for purposes of monitoring nitrates, for the drainfields associated with the facility. The study shall include recommendations on the number of monitoring wells to be drilled to adequately monitor the groundwater in the vicinity of the drainfields, and shall include recommendation on well depths and monitoring frequencies. The completed study shall be provided to the Health Department for review and comment.
11. Within 180 (one hundred eighty) days of completion of the groundwater study required above, the county shall have contracted for the drilling of the recommended monitoring wells and shall immediately implement groundwater monitoring as recommended in the study. Once the monitoring program is in place, if at any time the nitrate levels in the groundwater monitoring wells is determined to have elevated above 5 mg/L at the property line, the County will immediately (within sixty [60] days of said determination) contract with a competent engineering consultant to perform a study of the nitrogen removal capabilities of the Airport Wastewater Treatment Plant (WWTP) and to investigate the necessity for and feasibility of adding additional denitrification facilities to the plant.
12. Within 180 (one hundred eighty) days of approval of this Special Exception amendment the County shall have contracted with an engineering firm with appropriate credentials for the preparation of a complete Operations and Maintenance (O & M) Manual for the Airport WWTP. The manual shall be submitted to the Health Department for review and comment. A copy of the completed, approved manual shall be provided to the Zoning Administrator within one year of approval of the Special Exception amendment.

13. The Fauquier County Administrator shall contract with the Fauquier County Water and Sanitation Authority for the operation and maintenance of the wastewater treatment system once the O & M Manual is in effect and approved by the Virginia Department of Health.

SPECIAL EXCEPTIONS / SPECIAL PERMIT SPEX09-CR-013, SPEX09-CR-014, SPEX09-CR-015, SPPT09-CR-030, & CCRV09-CR-003: ELK MOUNT FARM, LLC & WILLIAM C. PATTON (OWNERS)/LEE HOLLANDER (APPLICANT) – RANGE 82 - PUBLIC SAFETY TRAINING FACILITY

A public hearing was held to consider an application to obtain a Category 5 Special Exception to allow for an outdoor technical training facility, a Category 11 Special Exception to allow for a public safety facility (both Emergency Services and Sheriff's Office facilities), and a Category 20 Special Exception to allow for an aboveground water storage facility. Applicant is also requesting an amendment to an approved Special Permit to reconfigure an existing range area, add a range area, and add limited storage of firearms and ammunition. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination in accord with Code of Virginia, Section 15.2-2232 as to whether the location of these facilities on this property is substantially in accord with the Comprehensive Plan. The property is located at 4818 Midland Road, in Cedar Run District, further described as PIN #7819-66-3353-000. Holly Meade, Senior Planner, summarized the application. Wilbur Burton, Cedar Run District, submitted a petition to the Board in opposition to the application. Karen Kettell, Cedar Run District; George Cargill, Cedar Run District; Kent Kettell, Cedar Run District; Patrick Kettell, Cedar Run District; Kent Kettell, II, Cedar Run District; and Carol Powells, Cedar Run District, spoke in opposition to the application. Charles Floyd, representing Carson-Ashley, spoke on behalf of the applicant to request favorable consideration of the application. Weldon Hamlett, Cedar Run District, spoke in favor of the application. No one else spoke. Mr. Graham moved to continue the public hearing and postpone action on the matter until the next regular meeting on July 9, 2009. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

SPECIAL EXCEPTIONS / WAIVERS SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, & WAVR09-MA-024 – JOHN W. TRUMBO, ROBERT H. RITCHIE AND OTHERS (OWNERS)/ANDREW S. BIGLER, SR. (APPLICANT) – MIDDLEBURG BANK

A public hearing was held to consider an application to obtain a Category 13 Special Exception for a drive-through facility to accommodate a bank. Applicant is also

requesting five waivers to allow for a reduction of the front setback, a secondary entrance on a higher access street, a cross/cooperative parking agreement, a reduction of the cooperative parking requirements, and a reduction of the front, side, and rear buffer requirements. The properties are located on the northwest side of Main Street (Route 55), in Marshall District, further identified as PIN #6969-58-4589-000, PIN #6969-58-5641-000, PIN #6969-58-6605-000, and PIN #6969-58-6649-000. Holly Meade, Senior Planner, summarized the application. Jack Connor offered to answer any questions on behalf of Middleburg Bank.. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>Mr. R. Holder Trumbo</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, AND WAVR09-MA-024 – A CATEGORY 13 SPECIAL EXCEPTION FOR A DRIVE-THROUGH FACILITY TO ACCOMMODATE A BANK AND FIVE WAIVERS TO ALLOW FOR A REDUCTION OF THE FRONT SETBACK, A SECONDARY ENTRANCE ON A HIGHER ACCESS STREET, A CROSS/COOPERATIVE PARKING AGREEMENT, A REDUCTION OF THE COOPERATIVE PARKING REQUIREMENTS, AND A REDUCTION OF THE FRONT, SIDE, AND REAR BUFFER REQUIREMENTS

WHEREAS, C. W. Ritchie and others (Owners), and Middleburg Bank (Applicant), are seeking Category 13 Special Permit approval to allow for a drive-through facility to accommodate a bank; and

WHEREAS, the applicant is also requesting several waivers to allow for a reduction of the front setback, a secondary entrance on a higher access street, a cross/cooperative parking agreement, a reduction of the cooperative parking requirements, and a reduction of the front, side and rear buffer requirements; and

WHEREAS, these requests will allow the site to be developed as a traditional townscape in accord with the Comprehensive Plan and in a manner consistent with the existing buildings fronting Main Street; and

WHEREAS, on March 26, 2009 and April 30, 2009, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on April 30, 2009, the Fauquier County Planning Commission unanimously recommended approval of the application, subject to conditions included below; and

WHEREAS, on June 11, 2009, the Fauquier County Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, on June 11, 2009, the Fauquier County Board of Supervisors concurred with the Planning Commission and determined that the application satisfies the standards of Zoning Ordinance Articles 5-006, 3-313.11; 2-410.A, 3-400.16, 7-102.1, 7-102.3, 7-102.18, and 7-604.4 now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of June 2009, That SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, and WAVR09-MA-024 be, and are hereby, approved, subject to the following conditions:

1. The drive-through shall be designed so that only a single car shall exit to street (Route 55, Main Street).
2. The building shall be constructed in substantial conformance to the illustrative prepared by Ammon Heisler Sachs Architects dated January 16, 2009, including fenestration, entrance features, water table and soffits, etc. submitted as part of the applications.
3. Building materials shall be brick and stone, including cast stone. Materials shall not include artificial stucco (dryvit), plastic or foam. Architectural features at ground level shall be masonry or wood.
4. The building shall have a minimum building height, to the soffit, of twenty-seven (27) feet and a maximum height, to the soffit, of thirty-five (35) feet.
5. The first floor shall have a minimum clear height of twelve (12) feet.
6. A flat roof shall be deemed acceptable if a parapet wall adequately screens the mechanical equipment.
7. If a tower/cupola is included the height shall be no greater than 10 feet above the building height.
8. Brick pavers shall be the hardscape material in the notched area including the cut corner at the intersection of Main and Frost Streets which may include a portico.
9. The drive-through structure shall be substantially similar to the architecture of the main building. All lighting for the drive-through shall be recessed.
10. The future right-of-way shall be in accord with the recommendations of the Marshall Moving Forward Study. If that study is not completed before the site plan stage, the future right-of-way shall include the following:

Main Street

Right of way – 66’
Travel lane – 12’
Parking lane – 8’
Curb – 0.5’
Clear zone – 3’
Planting zone – 2.5’
Sidewalk – 7’

Frost Avenue

Right of way – 60’
Travel lane – 11’
Parking lane – 7’
Curb – 0.5’
Clear zone – 3’
Planting zone – 2.5’
Sidewalk – 6’

11. Curb extensions (bulb-outs) shall be used to protect parking lanes.
12. Sidewalks and crosswalks shall be red brick.
13. Driveway aprons shall be constructed with concrete masonry pavers, such as EP Henry Old Towne Cobble in charcoal.
14. Planting zones shall not be a continuous strip. They shall include a planting area, approximately 5’ long, which includes a street tree and low plantings with seasonal color.
15. Street trees shall be Red Maple of four (4) inch caliper at time of planting and planted at intervals of thirty (30) feet.
16. A maintenance agreement shall be provided for the street trees and for plantings along Main Street and Frost Street prior to site plan approval.
17. The sidewalk area shall extend in between the planting areas and include street lights.
18. Street lights, likely to be determined through the Marshall Moving Forward Grant, shall be subject to approval by the Zoning Administrator.
19. Parking lot lights shall be subject to approval by the Zoning Administrator.
20. Street furniture, such as benches and trash containers, likely to be determined through the Marshall Moving Forward Grant, shall be required and subject to approval by the Zoning Administrator.
21. Signs shall be consistent with a traditional townscape. Signs shall be made of wood or metal. Plastic and back-lit signs are prohibited. Signs shall not obstruct architectural details.
22. The applicant shall provide an ingress/egress easement for the purpose of ingress and egress by the public along the rear travelway of the applicant’s property to allow access between Frost Street and the IGA property, PIN #6969-58-5641-000. The applicant shall also reserve a 15’ reservation strip from the rear property line of PIN #6969-58-6649-000 and 6969-58-6605-000 to facilitate a future public alley. The applicant shall construct the improvements as shown on the Special Exception Plat including the area within the 15’ reservation. It is understood that improvements constructed in the 15’ reserved area may in the future be

removed and reconstructed with the consent of the applicant in conjunction with the development of properties adjoining the applicant's property and the construction of a future public alley.

23. A parking agreement assuring the long-term sharing of spaces between the IGA and the Middleburg Bank shall be provided prior to site plan approval.

With no further business, the meeting was adjourned at 9:18 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on June 11, 2009.

Paul S. McCulla
Clerk to the Board of Supervisors